UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/768
S/26889
17 December 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 114 (c)
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 16 December 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement issued by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia in reply to the letter dated 14 September 1993 from the Permanent Representative of Albania to the United Nations addressed to you concerning the circulation of "The Report of the Council for the Protection of Human Rights and Freedoms of the Republic of Kosovo" (A/48/395-S/26439) (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 114 (c), and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Statement issued on 22 October 1993 by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia concerning the circulation of "The Report of the Council for the Protection of Human Rights and Freedoms of the Republic of Kosova" by the Permanent Mission of Albania to the United Nations

I

Interference in internal affairs of the Federal Republic of Yugoslavia by the Republic of Albania

The Mission of the Republic of Albania to the United Nations circulated, on 15 September 1993, "The Report of the Council for the Protection of Human Rights and Freedoms of the Republic of Kosova" as an official document of the General Assembly and Security Council of the United Nations (A/48/395-S/26439). Circulation of the material of the illegal "Council of the non-existing "Republic of Kosova" by the Mission of the Republic of Albania to the United Nations is along the lines of the recognition of the non-existing "Republic of Kosova" by the Republic of Albania and constitutes an act of overt interference in the internal affairs of a sovereign State, the Federal Republic of Yugoslavia in this case, since the Republic of Albania has thus taken upon itself to represent the non-existing "Republic of Kosova". As is well known and recognized by the entire international community, Kosovo and Metohija is an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia. Support by the official Albanian authorities to the so-called "Republic of Kosova", by circulating their propaganda material such as this report and other papers, constitutes the policy of a formal recognition of the non-existing "Republic of Kosova" directed expressly against the territorial integrity and sovereignty of the Federal Republic of Yugoslavia. Such direct support to the secessionist movement of the Albanian national minority in Kosovo and Metohija is contrary to the basic principles of the Charter of the United Nations, the Final Act of the Conference on Security and Cooperation in Europe (CSCE) and the Paris Charter. In this way, under the pretext of the protection of human rights of the Albanian national minority in Kosovo and Metohija, the Republic of Albania is trying to achieve its well-known expansionist goals which, in the final analysis, boils down to the creation of "Greater Albania" at the expense of the territory of a neighbouring sovereign State, the Federal Republic of Yugoslavia. Such a policy of the Republic of Albania has a very negative impact on the bilateral relations between the Federal Republic of Yugoslavia and the Republic of Albania and is fraught with a great danger for peace and stability in the region, for which the Government of the Republic of Albania bears sole responsibility.

The Government of the Federal Republic of Yugoslavia demands that the Mission of the Republic of Albania to the United Nations discontinue the practice of circulating materials of the so-called "Republic of Kosova" and that the Republic of Albania abandon its policy of supporting Albanian secessionists in Kosovo and Metohija and of recognizing the non-existing "Republic of Kosova".

II

Status of the so-called "Council for the Protection of Human Rights and Freedoms of the Republic of Kosova"

The so-called "Council for the Protection of Human Rights and Freedoms of the Republic of Kosova" whose report was circulated by the Mission of the Republic of Albania to the United Nations is an illegal entity, since it is not registered by the competent State organs of the Republic of Serbia and the Federal Republic of Yugoslavia as an association of citizens or a political party, although the regulations in force allow of the registration of political parties or associations of citizens whose activities or programmes encompass the protection of human rights and freedoms. For example, "The Movement for the Protection of Human Rights", in Belgrade is duly registered as a political party. Accordingly, despite broad possibilities provided for by law for establishing and organizing such association, the founders of this "Council" did not consider it necessary to register it as necessary whereby they snub and refuse to recognize the legal organs and laws of the State they live in.

III

Allegations contained in the "Report"

1. This "Report" is, obviously, far from being humanitarian and being aimed at protecting human rights; it is political by nature and is aimed at creating a semblance that members of the Albanian national minority are persecuted and detained (as averred to in the annex, p. 1, under A Statement) by the State authorities of the Republic of Serbia. This is an outright lie. There is no campaign of arrests in Kosovo and Metohija. In Kosovo and Metohija, just as in any part of the world, the police are doing their job: they fight arms smuggling and illicit drug trade and prevent terrorist actions and murder of police officers and other crimes.

The "Report" goes on to say that the arrested persons are labelled terrorists without any reason or evidence, that the due process of law is not complied with, that the arrested persons are ill-treated and that the entire chauvinist campaign is prepared by "this totalitarian regime" (the Serbian regime in Kosovo).

No arrested or detained member of the Albanian national minority in Kosovo and Metohija has ever been labelled a terrorist. Under the Yugoslav law, criminal proceedings can be instituted against any person, including a member of the Albanian national minority, if there exists a reasonable doubt that he/she committed a criminal offence. He/she is considered innocent until proven guilty by a valid decision of a court of law.

Physical force is not used at investigation or arrest, except in cases when so required by law (resistance and attack against police, an attempt to escape), while excessive force is punishable by law. In this context, it should be said that this year alone a number of police officers have been attacked by members of the Albanian national minority in Kosovo and Metohija on numerous occasions and several of them have been killed or wounded.

No chauvinist campaign is being conducted in the Federal Republic of Yugoslavia or the Republic of Serbia. On the contrary, everything is done in the Republic of Serbia in order to guarantee and ensure the rights and equality of all citizens, regardless of their nationality, religion, sex or race, in accordance with the Charter of the United Nations and other international instruments. The same applies to the members of the Albanian national minority. The Constitution and laws of the Republic of Serbia guarantee them the following:

(a) Existence of the Autonomous Province of Kosovo and Metohija as a form of territorial autonomy, alongside respect for their national, historical and cultural specificities;

(b) Use of their language;

(c) Education up to the Ph.D. level in their own language;

(d) Information system in the Albanian language;

(e) Equal health care;

(f) Participation in federal, republican, provincial and local elections and other rights.

However, a large number of members of the Albanian national minority in Kosovo and Metohija refuse to exercise these rights, because of the deleterious policy of their separatist leadership. Thus, for example, members of the Albanian national minority did not participate in the last elections, forfeiting the opportunity to elect at least 30 deputies to federal and republican Parliaments and to form provincial and local governments in the Autonomous Province of Kosovo and Metohija. Besides, they refuse to send their children to school and to get them enrolled in the University, although the education is in the Albanian language. a/ The Government of the Republic of Serbia and other organs have repeatedly called upon members of the Albanian national minority to engage in a dialogue, but they have always refused that call.

At its session on 27 November 1992, the National Assembly of the Republic of Serbia adopted the Declaration on Human and Minority Rights, which expresses loud and clear the aspirations of the Republic of Serbia to ensure coexistence of all its citizens and calls once again on the members of the Albanian national minority to participate in the work of all institutions and to exercise their rights. At the same time, the Declaration condemned the behaviour of the Republic of Albania, which is doing everything to set the Albanian national minority in the Federal Republic of Yugoslavia against the country it lives in, which formally supports all acts of secession and encourages other countries to do so. This act, that is, the request to the United Nations Secretary-General to include the report of an illegal entity in the agenda of the General Assembly and Security Council, confirms this fact as well.

2. Bearing that in mind, the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia has no intention to engage in polemics with an illegal and non-existing "Council" and to deal with each individual case

mentioned in the "Report", based mainly either on the misrepresentation of facts, half-truths or on abuses of some unfortunate incidents.

A file is kept on each individual case with the competent judicial and police authorities, so that the following has been established on the basis of these files:

(a) On the basis of an in-depth analysis of the cases listed in the annex, under A. Statement, pp. 1 and 2), it has been established that a large quantity of weapons, ammunition, explosives, bombs, etc., were found on, and seized from, those persons. The said persons, members of illegal hostile organizations (the National Movement for the Republic of Kosovo and the National Movement for the Liberation of Kosovo) had long prepared and carried out terrorist actions against the constitutional order of the Federal Republic of Yugoslavia, aimed at seceding the territory of Kosovo and Metohija, inhabited by members of the Albanian national minority, from the Federal Republic of Yugoslavia and establishing a separate State or annexing the Province to the Republic of Albania. The said persons were military instructors and organizers of para-military forces, which they prepared for armed rebellion. Also listed in the "Report" are the persons against whom, it has been established, no measures have been taken. Obviously, they have been included in such lists to create an impression in the international community that mass repression is taking place in Kosovo and Metohija. This is the case of Ajshe Berisha from Peć against whom no measures were taken by the police.

(b) As to the list of persons who allegedly died from torture or were killed by the Serbian police and military (annex, under A. Statement, pp. 2 and 3), it can be easily established that the facts are distorted or misrepresented. Thus, for example, no measures were taken against Grisha Kamberi (under 11) who, according to the statement of her son and the report of the competent medical institution, died of apoplexy.

Some persons (e.g., Afrim Hyseni, Sejdi Tahiraj and Sefedin Tahiraj - under 4, 7 and 8) were killed during armed attacks on police patrols on regular duty. In these cases, there were casualties among police officers too, as a consequence of the brutality of the attacks.

In some cases, deaths were caused accidentally. Thus, for example, Misreta Shala-Vranovci (13) was killed in the fire arms incident at a wedding party. It is assumed that the perpetrator has been arrested and that criminal proceedings have been instituted against him.

A common feature of all these cases is that in no one of them it was ascertained that the death of the persons involved occurred as a consequence of measures, actions or excessive force applied by the police. This is borne out also by the fact that no relative or any other person requested clarification of the events suspecting doubtful circumstances.

3. A similar method of using falsehoods, accidents or misrepresentation of regular police work, usual throughout the world, is used also in the text "B. Reports" in order to back up the allegations about the repression of the police and State officials of Serbia against members of the Albanian national

minority in Kosovo and Metohija. Thus, for example, on page 18, "AUGUST 28", it is said that Saim Kurti from Kapra near Dragas was sentenced by the Magistrate to 30 days of imprisonment. However, an inquiry with the competent Magistrates in Dragas and Prizren has established that the person with such a name was not even registered. Or, on the same page, it is said that "Serbian officials of Investigation in Kosova are still silent about the assassination of the 16 year old boy Safer Cukovci". This is not true since criminal proceedings have been instituted against police officer Dragiša Spasić, who was charged with murder.

The callousness of the authors of the "Report" and the extent to which they go in misrepresenting facts is best illustrated by the following example: the "Report" enumerates a number of cases of the seizure of goods from members of the Albanian national minority by the financial police. However, the following data reveal the relativity of this accusation: in August 1993, the financial police of the Republic of Serbia seized the goods valued at DIN 934,008 billion. Out of this amount, the goods valued at DIN 558,935 billion were seized in the Kragujevac region, while the value of goods seized in Kosovo and Metohija amounted to DIN 103,555 billion. This leads to the conclusion that the financial police have carried out their duty according to the law rather than according to the nationality of the owners of the seized goods, so that Serbs ended up being punished more severely than members of the Albanian national minority.

4. The above cases are telltale proof that, rather than terrorizing or mistreating members of the Albanian national minority, the judicial and State organs of the Republic of Serbia in Kosovo and Metohija maintain and protect the public law and order and the safety of the property and personal integrity of all citizens in Kosovo and Metohija, irrespective of their nationality. The measures and actions taken are warranted by great quantities of firearms illegally possessed primarily by members of the Albanian national minority which, due to frequent abuses, constitute a constant threat to peace and security in this Province and to its citizens. As an illustration, in the first nine months of 1993 about 100 automatic and semi-automatic rifles, over 850 of other rifles, 156 bombs, over 1,450 pistols and revolvers, over 20,000 ammunition pieces and over 300 cold weapons and other dangerous and explosive devices were seized. In such actions, law has been scrupulously observed vis-à-vis all transgressors and no discrimination has been done against any national group, Albanians included.

Parallel to a wide international propaganda campaign of Albanian nationalists and separatists aimed at discrediting the authorities in Kosovo and Metohija, the police in particular are a frequent target of outright terrorist acts in Kosovo and Metohija. In the first nine months in 1993 alone, 52 attacks have been carried out against police officers on regular duty. Two police officers were killed in these attacks, 13 seriously and 12 lightly wounded. Firearms were used in 10 attacks; there were 36 physical assaults, while in other attacks, weapons and other dangerous implements and devices were used.

In this context, it is pointed out that enforcement measures are used very selectively and only when other measures are insufficient to protect the lives and safety and property of citizens.

Given the overall situation in Kosovo and Metohija, instances of excessive force occurred on rare occasions, but all such instances have been investigated and appropriate legal measures have been taken against the perpetrators. In addition to the already mentioned case of Safer Cukovci, another case in point is that of Arif Mehmet Krasniqi (p. 3, under 12), in which a police officer was tried for the use of excessive force. What is important, however, is that no attempts are made to cover up such rare cases and that legal measures are taken against the perpetrators. However, it is obvious that these isolated cases are misrepresented as police torture. Such behaviour prevents investigation of the cases that might be justifiable on the strength of objective reasons and reliable facts and circumstances.

IV

Unlike the Albanian national minority in the Federal Republic of Yugoslavia, members of national minorities in Albania enjoy no rights whatsoever; they are not allowed to use their mother tongue before State organs, in the media and in communications outside their homes and families. National minorities in Albania have no right to education in their mother tongue, while practice of their religion was prohibited by decree and Orthodox churches and cemeteries are by and large destroyed. Not only was the observance of national traditions prohibited, but the citizens were enjoined to change their own names which were considered inappropriate from the political, moral and ideological point of view, while place names were changed if they had religious content. The post-1990 democratization is confined by and large to the sphere of theoretical discussions or general legislation which were not translated into concrete laws on the rights of national minorities.

According to the 1989 census in Albania, there are only 100 persons of the Slav origin. If these data are correct, it is unclear from where over 1,000 Serb refugees from Albania came to the Federal Republic of Yugoslavia last year. Whereas the number of Serbs and Montenegrins in Albania is continuously declining, the number of Albanians in the Republic of Serbia has tripled since 1945, which also explains the policy of the Federal Republic of Yugoslavia towards national minorities.

This, too, is eloquent proof that, while professing to be greatly concerned over the rights of the Albanian national minority in the Federal Republic of Yugoslavia, Albania grossly violates and refuses to recognize the rights of the Serb, Montenegrin and other minorities in its territory.

Notes

a/ For example, before the boycott of the education and media system practised by the Albanians as political blackmail, 314,218 students studied in 904 elementary schools in the Albanian language in Kosovo and Metohija, in 69 secondary schools 73,271 and at the University, 25,444.